

ORIGINAL

**FILED**

DISTRICT COURT OF GUAM

JUL 14 2006 *th*

MARY L.M. MORAN  
CLERK OF COURT

leilanihocogple

LEONARDO M. RAPADAS  
United States Attorney  
ROSETTA L. SAN NICOLAS  
Assistant U.S. Attorney  
Suite 500, Sirena Plaza  
108 Hernan Cortez Avenue  
Hagatna, Guam 96910  
Telephone: (671) 472-7332  
Telecopier: (671) 472-7334

Attorneys for the United States of America

**IN THE UNITED STATES DISTRICT COURT  
FOR THE TERRITORY OF GUAM**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LEILANI C. HOCOG,

Defendant.

CRIMINAL CASE NO. 06-000016

**PLEA AGREEMENT**

Pursuant to Rule 11(c)(1)(C), the United States and the defendant, LEILANI C. HOCOG, enter into the following plea agreement:

1. The defendant agrees to enter a guilty plea to Count I of an Indictment charging her with Attempted Possession with Intent to Distribute fifty (50) or more grams net weight of methamphetamine hydrochloride (ice) in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

2(a) The defendant, LEILANI C. HOCOG, further agrees to fully and truthfully cooperate with Federal law enforcement agents concerning their investigation of illegal drug trafficking and related unlawful activities. Cooperation shall include providing all information known to defendant regarding any criminal activity, including but not limited to the offense to

1 which she is pleading guilty. Cooperation will also include complying with all reasonable  
2 instructions from the United States; submitting to interviews by investigators and attorneys at  
3 such reasonable times and places to be determined by counsel for the United States; producing to  
4 the United States all non-privileged documents (including claimed personal documents) and  
5 other materials in the possession, custody or control of defendant requested by attorneys and  
6 agents of the United States; and testifying fully and truthfully before any grand juries, hearings,  
7 trials or any other proceedings where defendant's testimony is deemed by the United States to be  
8 relevant. Defendant understands that such cooperation shall be provided to any state, territorial,  
9 local or federal law enforcement agencies designated by counsel for the United States. Further, it  
10 is understood and agreed that defendant shall not directly, indirectly, or intentionally disclose  
11 anything defendant knows or had done concerning the United States' investigation to anyone  
12 other than defendant's attorney. Defendant agrees to take no steps directly or indirectly to warn  
13 any subject of this investigation that defendant, a subject or anyone else is being investigated.  
14

15 2(b) The United States will make this cooperation known to the Court prior to the  
16 defendant's sentencing. The defendant further understands that she remains liable and subject to  
17 prosecution for any criminal schemes of which she does not fully advise the United States, or for  
18 any material omissions in this regard.

19 2(c) This agreement is not contingent in any way upon the outcome of any investigation,  
20 proceeding or subsequent trial. Thus, none of the rights and obligations described above are in  
21 any way dependent upon a grand jury returning an indictment, a jury's verdict at any trial, or the  
22 success of any prosecution.

23 2(d) Except as otherwise herein provided, and in particular in Paragraph 9 of this plea  
24 agreement, the United States agrees not to prosecute defendant for any other non-violent offenses  
25 which were committed in the District of Guam or the Northern Mariana Islands (CNMI) which  
26 defendant reveals to Federal authorities during her cooperation with the United States. This  
27 agreement is limited to crimes committed by defendant in the districts of Guam or the CNMI.  
28

1           3(a) The defendant, LEILANI C. HOCOG, understands that the maximum sentence for  
2 Distribution of fifty (50) or more grams net weight of methamphetamine hydrochloride (ice) is a  
3 term of life imprisonment, with a with a mandatory minimum term of twenty (20) years  
4 incarceration, an \$8,000,000 fine; and a \$100 special assessment fee, which must be paid at the  
5 time of sentencing. Any sentence imposed shall include a term of supervised release of at least  
6 five (5) years in addition to such terms of imprisonment. Defendant understands that if she  
7 violates a condition of supervised release at any time prior to the expiration of such term, the  
8 court may revoke the term of supervised release and sentence her up to an additional three (3)  
9 years of incarceration pursuant to 18 U.S.C. § 3583(e)(3).  
10

11           3(b) If defendant cooperates as set forth in Paragraph 2, the government will recommend  
12 that defendant receive the statutory minimum term of incarceration.

13           3(c) The government will recommend a fine within the Sentencing Guidelines range. If  
14 defendant is financially unable to immediately pay the fine in full, defendant agrees to make a  
15 full disclosure of her financial status to the United States Attorney's Office by completing a  
16 Financial Disclosure Form (OBD-500) for purpose of fixing a monthly payment schedule.  
17 Defendant understands that, by law, interest accrues on any remaining balance of the debt.

18           4. The defendant understands that to establish a violation of Attempted Possession with  
19 Intent to Distribute fifty (50) or more grams net weight of methamphetamine hydrochloride (ice)  
20 as charged pursuant to 21 U.S.C. § 841(a)(1) and 846, the government must prove each of the  
21 following elements beyond a reasonable doubt:

22                 First: the defendant knowingly and intentionally attempted to possess fifty (50) or  
23                 more grams net weight of methamphetamine hydrochloride (ice) with intent to  
24                 distribute;

25                 Second: the defendant took a substantial step towards the commission of the  
26                 crime; and

27                 Third: the defendant knew it was methamphetamine hydrochloride (ice)  
28                 or some other prohibited drug.

1           5. The defendant agrees that the Sentencing Guidelines apply to this offense. The  
2 defendant also understands that the facts she stipulates to herein will be used, pursuant to 1B1.2,  
3 in calculating the applicable guidelines level. The Government and the defendant stipulate to the  
4 following facts for purposes of the Sentencing Guidelines:

5           (a) The defendant was born in 1977, and is a citizen of the United States.

6           (b) If the defendant cooperates with the United States by providing information  
7 concerning the unlawful activities of others, the government agrees that any self-incriminating  
8 information so provided will not be used against defendant in assessing her punishment, and  
9 therefore, pursuant to § 1B1.3 of the Sentencing Guidelines, this information should not be used  
10 in determining the applicable Guidelines range.

11           (c) On April 29, 2006, the defendant knowingly and intentionally attempted to receive  
12 and deliver 117 grams of methamphetamine hydrochloride (ice) which arrived at the Guam  
13 Federal Express office. Defendant was searched incident to arrest and six (6) glass pipes (drug  
14 paraphernalia) and a cellophane wrapper containing methamphetamine were found in her vehicle.

15           (d) The defendant understands that notwithstanding any agreement of the parties, the  
16 United States Probation Office will make an independent application of the Sentencing  
17 Guidelines. The defendant acknowledges that should there be discrepancies in the final  
18 sentencing guidelines range projected by her counsel or any other person, such discrepancies are  
19 not a basis to withdraw her guilty plea.

20           6. The defendant understands that this plea agreement depends on the fullness and  
21 truthfulness of her cooperation. Therefore, defendant understands and agrees that if she should  
22 fail to fulfill completely each and every one of her obligations under this plea agreement, or make  
23 material omissions or intentional misstatements or engage in criminal conduct after the entry of  
24 her plea agreement and before sentencing, the government will be free from its obligations under  
25 the plea agreement. Thus defendant, in addition to standing guilty of the matters to which she  
26 has pled pursuant to this agreement, shall also be fully subject to criminal prosecution for other  
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1 crimes, and for the counts which were to be dismissed. In any such prosecution, the prosecuting  
2 authorities, whether Federal, State, or Local, shall be free to use against her, without limitation,  
3 any and all information, in whatever form, that she has provided pursuant to this plea agreement  
4 or otherwise; defendant shall not assert any claim under the United States Constitution, any  
5 statute, Rule 11(f) of the Federal Rules of Criminal Procedure, Rule 410 of the Federal Rules of  
6 Evidence, or any other provision of law, to attempt to bar such use of the information.

7  
8 7. Defendant understands that whether she has completely fulfilled all of the obligations  
9 under this agreement shall be determined by the sentencing court in an appropriate proceeding at  
10 which any disclosures and documents provided by defendant shall be admissible and at which the  
11 United States shall be required to establish any breach by a preponderance of the evidence. In  
12 determining whether there has been a breach, the parties agree that any polygraph results and the  
13 polygrapher's conclusions and opinions shall be admissible.

14 8. The defendant understands that her sentencing may be continued, at the sole discretion  
15 of the United States, until after the indictment and trial of any associates involved. This will also  
16 enable the Court to see the full degree of the defendant's cooperation. The defendant therefore  
17 waives any right she may have to any speedy sentencing and hereby agrees to any continuance of  
18 her sentencing date as it may become necessary.

19 9. In exchange for the government's concessions in this plea agreement, the defendant  
20 waives any right to appeal or to collaterally attack this conviction but reserves the right to appeal  
21 the sentence imposed in this case. She agrees to waive all constitutional challenges to the  
22 validity of the Sentencing Guidelines. The defendant agrees that the government has bargained  
23 for a criminal conviction arising from her conduct. If at any time defendant's guilty plea or  
24 conviction is rejected, withdrawn, vacated or reversed, for whatever reason, or if any change of  
25 law renders the conduct for which she was convicted to be non-criminal, defendant agrees that  
26 she will enter a guilty plea to another charge encompassing the same or similar conduct. In such  
27 event, defendant waives any objections, motions or defenses based upon the Statute of  
28

1 Limitations, Speedy Trial Act, or constitutional restrictions as to the time of bringing such  
2 charges.

3 10. The defendant acknowledges that she has been advised of her rights as set forth  
4 below prior to entering into this plea agreement. Specifically, defendant has been fully advised  
5 of, has had sufficient opportunity to reflect upon, and understands the following:

6 (a) The nature and elements of the charge and the mandatory minimum penalty provided  
7 by law, if any, and the maximum possible penalty provided by law;

8 (b) Her right to be represented by an attorney;

9 (c) Her right to plead not guilty and the right to be tried by a jury and at that trial, the  
10 right to be represented by counsel, the right to confront and cross-examine witnesses against her,  
11 and the right not to be compelled to incriminate herself, that is, the right not to testify;

12 (d) That if she pleads guilty, there will not be a further trial of any kind on the charges to  
13 which such plea is entered so that by entering into this plea agreement, she waives, that is, gives  
14 up, the right to a trial;

15 (e) Because this plea is entered pursuant to Federal Rule of Criminal Procedure  
16 11(c)(1)(B), the defendant understands that she may not withdraw her guilty plea even if the  
17 court does not accept the sentencing recommendations of the government or her counsel;

18 (f) That, upon entry of a plea of guilty, or thereafter, the Court may ask her questions  
19 about the offenses to which she has pled, under oath, and that if she answers these questions  
20 under oath, on the record, her answers may later be used against her in prosecution for perjury or  
21 false statement if an answer is untrue;

22 (g) That she agrees that the plea agreement is voluntary and not a result of any force,  
23 threats or promises apart from this plea agreement;

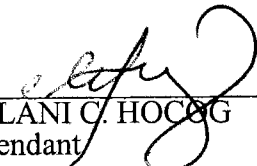
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1 (h) The defendant is satisfied with the representation of her lawyer and feels that her  
2 lawyer has done everything possible for her defense.  
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4 DATED: 7/12/06  
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LEILANI C. HOOG  
Defendant

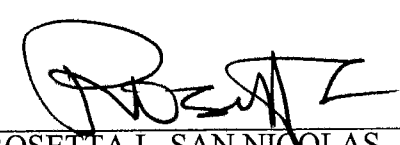
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7 DATED: 7/12/06  
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PETER C. PEREZ  
Attorney for Defendant

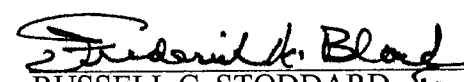
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10 LEONARDO M. RAPADAS  
United States Attorney  
Districts of Guam and NMI  
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12 DATED: 7/12/06  
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By:

  
ROSETTA L. SAN NICOLAS  
Assistant U.S. Attorney

14  
15 DATED: 7-13-06  
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RUSSELL C. STODDARD for R.S.  
First Assistant U.S. Attorney  
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